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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO.3696 OF 2004

Shanaz Hyder Khan).. Plaintiff

Versus

Bandu Hyder Khan).. Defendant

Mr.V.R. Tripathi for the Plaintiff.

None present for the Defendant.

CORAM : SMT. NISHITA MHATRE, J.
DATED : 2ND MAY 2006

P.C.:

. The Plaintiff seeks a decree against the Defendant. The Defendant though served has chosen to remain absent. An affidavit of service has been filed.

2. The Plaintiff claims that the Defendant claimed a friendly loan of Rs.20,00,000/- from the Plaintiff against a cheque given by the Defendant for the like amount. The Defendant represented to the Plaintiff that she had received a pay order for Rs.40,00,000/- and that, therefore, the cheque would certainly be honoured. However, this was a false representation. It appears that when the Plaintiff sought to encash the cheque, it was dishonoured with the endorsement "stopped". The Plaintiff has, therefore, filed the present Suit.

3. The original documents filed by the Plaintiff support the case made out by the Plaintiff.

4. Hence, decree in terms of prayers (a) and (b). However, the rate of interest is reduced to 6% per annum.

5. Certified copy expedited.